

REMARKS

Attached hereto is the executed Reissue Declaration by the inventors. If there are any questions on this declaration the undersigned attorney would appreciate a telephone conference.

The Advisory Action noted the lack of English translation for the Electronic Journal issue of October 1998 and the Japanese Patent Publication No. 10-106441 which were cited as indicative of a level of ordinary skill at the time of the present invention. Accordingly, attached hereto are English translations of these respective documents.


The recent *Alza Corporation v. Mylan Laboratories, Inc. et al.* September 6, 2006 Federal Circuit decision (2006 U.S.U. App. Lexis 22616) noted that the knowledge of a person of ordinary skill in the art at the time of the invention is a form of evidence that is pertinent to the evaluation of a *prima facie* case of obviousness. That is, the contemporary opinions found in the submitted documents at the time of our invention date should assist in determining a level of ordinary skill at the time of our present invention in which to judge the present invention.

As noted in the MPEP §2144.05 (II)(B) a particular parameter must first be recognized as a result effective variable in the prior art before it can be considered as being obvious to a person of ordinary skill.

If there are any questions with regards to this matter the undersigned attorney would appreciate a telephone conference.

Very truly yours,

SNELL & WILMER L.L.P.



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